

Appl. No. 10/620,492  
Reply to Office action of 08/10/2005

### REMARKS

Entry of the above amendment and reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1, 2, and 4-28 are pending in this case. Claims 15, 20, and 22 are amended herein. Claims 1, 2, and 4-14 stand allowed.

Claims 20 and 22-26 are objected to as being dependent upon a rejected base claim. Claims 20 and 22 are amended herein to be in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully submits that claims 20 and 22-26 are now allowable.

The Examiner rejected claims 15 and 21 under 35 U.S.C. 102(e) as being anticipated by Dokumaci et al. (U.S. Patent 6,686,637).

Applicant respectfully submits that amended claim 15 is unanticipated by Dokumaci as there is no disclosure or suggestion in the reference of patterning and etching the poly-Si, poly-SiGe with carbon and dielectric layers to form a gate stack after forming the poly-Si, poly-SiGe, and dielectric layers as required by claim 15. Dokumaci teaches forming a poly-Si block 102, forming an oxide layer 108, recessing the poly-Si block to form poly-Si region 110, forming a barrier 112, forming a second poly-Si layer 116, then planarizing layers 116 and 112, and finally removing oxide 108. While the three layers may be etched or polished at different points in the process flow, all of the poly-Si, poly-SiGe, and dielectric layers are not patterned and etched to form a gate stack after forming all three layers, as required by the claim. All of the etching of the poly-Si layer 102 is done prior to forming the barrier and second poly-Si layer 116. Accordingly, Applicant respectfully submit that claim 15 and the claims dependent thereon are unanticipated by Dokumaci.

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The Examiner rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Dokumaci et al. (U.S. Patent 6,686,637) in view of Sagnes (U.S. Patent 5,998,289).

Applicant respectfully submits that claims 27 and 28 are patentable over Dokumaci in view of Sagnes for the same reasons discussed above relative to claim 15 from which these claims depend.

The Examiner rejected claims 16-19 under 35 U.S.C. § 103(a) as being obvious over Dokumaci et al. (U.S. Patent 6,686,637) in view of Moslehi (U.S. Patent 5,397,909 ).

Applicant respectfully submits that claims 16-19 are patentable over Dokumaci in view of Sagnes for the same reasons discussed above relative to claim 15 from which these claims depend.

Applicant also notes that the Moslehi reference has an issued date of 03/14/1995. This date would qualify it as 102(b) prior art thus negating the 103(c) exception.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1, 2, and 4-28. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

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Respectfully submitted,



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